

### Office Action Summary

**Application No.**

10/642,708

**Applicant(s)**

WERNING, JASON

**Examiner**

Kristina R. Fulton

**Art Unit**

3673

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6, 8-13 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 8-13, 19-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. In view of the appeal brief filed on 10/15/07, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Patricia L Engle/

Supervisory Patent Examiner, Art Unit 3673

### ***Claim Objections***

1. Claims 1 and 9 are objected to because of the following informalities: Regarding claim 1, lines 4-5, "a debris receptacle" and "a central vacuum system" should be –the

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debris receptacle—and —the central vacuum system—. Regarding claim 9, line7, “a canister” should be —the canister—. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6, 8-13, 19-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fritz (US 5813085) in view of Crouser (US 6108860).

3. Regarding claims 1, 9, 19, 21-23 and 25-29, Fritz shows a locking mechanism for a central vacuum system with a debris receptacle (16) and a canister (12), the locking mechanism comprising a vertical gasket (50) to facilitate an airtight seal between the debris receptacle and the canister of the central vacuum system and a twist-lock latch (48) configured to guide a handle (see illustration below) portion of the debris receptacle to a lock position (the attached position is considered a lock position; see column 3, lines 25-30) between the twist-lock latch and the vertical gasket (see figure 1, the handle portion is between gasket 50 and bottom portion of latch 48). It is noted that the Fritz device can be turned (or twisted) into position to latch. This can be considered a "twist-lock latch" as currently claimed. Crouser shows a latch attaching the debris receptacle (2) to the upper portion (6) wherein the latch has a first shelf portion (see illustration below) and an open lateral end portion (see illustration below) "configured to"

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laterally receive the handle portion of the debris receptacle from a portion outside the canister and a stop detent (handle hits round portion of latch; see figure 3) to facilitate proper engagement of the handle portion in the lock position. It would be obvious to replace the latch of Fritz with the twist latch of Crouser because the substitution of one known element for another (replacing one latch for another latch) would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Both latching means accomplish sealing a receptacle to a top portion (canister). Replacing the Fritz latch with the Crouser latch would increase ease of use for the device in that the latching and unlatching motion would be reduced to a simple rotation as opposed to holding the canister in place and snapping each latch separately.

4. Regarding claims 2, 11 and 24 Fritz in view of Crouser, Crouser shows a contoured ramp (54) "configured to" guide the handle portion of the debris receptacle into place.

5. Regarding claim 3, the Fritz latch comprises a stop detent (hook portion on bottom to engage handle, see illustration below) to fully engage the debris receptacle into the lock position.

6. Regarding claim 6, Fritz shows the applicant's basic inventive concept of a vertical gasket (50) including a vertical sealing area having horizontal ribs around the periphery portion of the gasket to facilitate reduced friction and drag during engagement and disengagement of the locking mechanism. Fritz fails to show a plurality of ribs. Fritz shows a single rib around the top edge of the gasket. It would have been obvious to one of ordinary skill in the art to include a plurality of ribs around the gasket to increase

the sealing capacity of the gasket. It has been held that duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

7. Regarding claims 8, 25 and 29, Fritz shows the vertical gasket includes a bead roll (see illustration below; lower portion of gasket), configured to be received by a groove (44) formed in an exterior surface of the canister (column 3, lines 30-32).

8. Regarding claim 10, Fritz in view of Crouser, Crouser shows a second shelf portion (see illustration below). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include a second shelf portion to prevent damage to the gasket as a result of repetitive use of the latch.

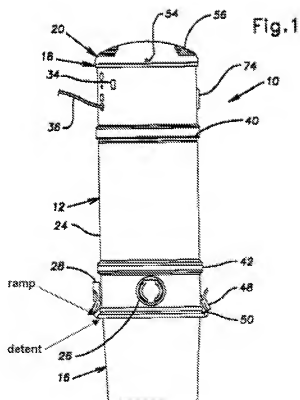
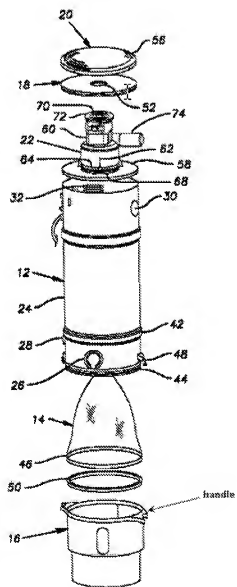
9. Regarding claim 12, Fritz in view of Crouser, Crouser shows the latch is "configured to" be coupled to the canister portion of the central vacuum system via a fastener (post 40).

10. Regarding claim 13, Fritz in view of Crouser, Crouser shows a latch with no moving parts. The latch as a whole rotates but the latch itself does not contain moving parts as claimed.

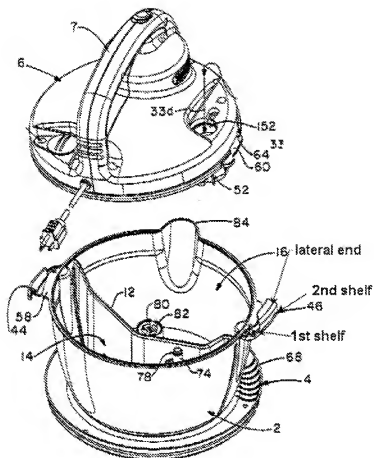
11. Regarding claim 20, Fritz shows two latches (48) on opposing sides of the canister (see figure 1).

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See the Fritz device below.



See the Crouser device below.



### ***Response to Arguments***

2. Applicant's arguments with respect to Fritz not showing a twist lock latch have been considered but are moot in view of the new ground(s) of rejection. Regarding the argument that Crouser fails to show a twist lock latch, the examiner respectfully disagrees. The Crouser device can in fact turn (twist) and then lock via 46 thereby latching the receptacle to the canister. The examiner appreciates applicant's invention and suggests claiming more structure and further describing the function of the "twist-

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lock latch” in order to further define applicant's invention over the prior art. As claimed the “twist lock latch” can be any latch since there is no language describing the criticality of the twisting function or structure of the latch.

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristina R. Fulton whose telephone number is 571-272-7376. The examiner can normally be reached on Monday-Friday, 7am-4:30pm, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patricia L Engle/  
Supervisory Patent Examiner, Art  
Unit 3673

/K. R. F./  
Examiner, Art Unit 3673  
1/23/08